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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,051	01/21/2004	Matti Parnanen	037145-0901 (NC 43838)	4470
27433	7590	09/14/2006	EXAMINER	
FOLEY & LARDNER LLP 321 NORTH CLARK STREET SUITE 2800 CHICAGO, IL 60610-4764			NGUYEN, PHILLIP H	
			ART UNIT	PAPER NUMBER
			2194	

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/762,051	<b>Applicant(s)</b> PARNANEN ET AL.	
	<b>Examiner</b> Phillip H. Nguyen	<b>Art Unit</b> 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>20050815</u> . | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This action is in response to the original filing of January 12, 2004. Claims 1-23 are pending and have been considered below.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show features 32, 34, and 35 in figure 2 and feature 24 in figure 1 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

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applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 101***

3. Claims 21-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is directed to software, per se, lacking storage on a medium, which enables any underlying functionality to occur. Additional items to consider are whether the computer codes are necessarily in executable form and whether their execution accomplishes a practical application, i.e., produces a useful, concrete and tangible result.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Mehta et al (WO 02/44892 A2).

Claim 1: Mehta discloses a method for adding computer software features dynamically to a software application by establishing a framework for a application programming interface (API) that adds a feature to an application, the method comprising:

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a. requesting from an application interworking framework (Mobile Application System) a feature matching a consumer (subscriber) interest of a consumer application (Page 2, line 15-16);

b. using the consumer interest and a feature capability to identify a provider (Page 2, line 21-30);

c. providing the feature, if the provider is identified, to the consumer application (Page 3, line 13-14); and

d. although, Mahta does not explicitly disclose utilizing the feature at the consumer application. It is inherited that utilizing the feature at the consumer application must occur in order to fulfill the purpose of dynamically updating software applications.

Claim 2: Mehta discloses using generic parameters in application interworking framework application programming interface (APIs) (Page 3, line 28-30).

Claim 3: Mehta discloses the method as in claim 1 above; and further discloses the application interworking framework interfaces the consumer application with the feature provider (Page 11, line 3-6).

Claim 5: Mehta discloses the method as in claim 1 above; and further discloses adding a feature user interface element along with the feature (Page 10, line 19-28).

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Claim 6: Mehta discloses the method as in claim 5 above; and further discloses the feature user interface element comprises menu commands and a setting page or other user interface elements (Page 10, line 19-28).

Claim 7: Mehta discloses the method as in claim 5 above; and further discloses the application interworking framework implements two application programming interface (APIs), including a consumer API and a set of provider APIs, wherein the provider APIs match the desired user interface elements (Page 14, line 18-21).

Claim 8: Mehta discloses a device that adds features dynamically to a software application such that a feature provided by a software program can be added to a software platform program for the device, the device comprising:

- a. a consumer application that publishes a feature interest indicating what features the said consumer application desires to have (Page 3, line 4-6);
- b. at least one provider application that has at least one feature available (Page 2, line 15-20); and
- c. an application interworking framework that provides an interface for the said consumer application and the said provider application such that the said feature interest is matched with one of the features available from the said provider application (Page 11, line 3-6).

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Claim 9: Mehta discloses the device as in claim 8 above; and further discloses the new consumer application is an application provided by a terminal manufacturer (Page 14, line 6-9).

Claim 10: Mehta discloses the device as in claim 8 above; and further discloses the new consumer application is an application provided by a third party to a user of the device (Page 14, line 6-9).

Claim 11: Mehta discloses the device as in claim 8 above; and further discloses the new consumer application integrates into the device as if part of an original group of software applications for the device (Page 14, line 15-17).

Claim 12: Mehta discloses the device as in claim 8 above; and further discloses generic parameters are used in application interworking framework application programming interfaces (APIs) (Page 3, line 28-29).

Claim 13: Mehta discloses the device as in claim 8 above; and further discloses the feature interest of the new consumer application comprises menu options not on the device before introduction of new consumer application to the device (Page 10, line 23; Page 14, line 15).

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Claim 14: Mehta discloses the device as in claim 8 above; and further discloses the user interface elements corresponding to the matched features are placed in the interest placeholders (Page 14, line 6-7).

Claim 15: Mehta discloses the device as in claim 8 above; and further discloses the consumer application is a new consumer application (Page 14, line 15).

Claim 16: Mehta discloses the device as in claim 8 above; and further discloses at least one feature available is a user interface feature based on the feature interest (Page 10, line 20-22).

Claim 17: Mehta discloses a system for adding features dynamically to a software application, the system comprising:

- a. a consumer application that publishes a feature interest and identified user interface resources needed based on the feature interest (Page 3, line 4-6);
- b. a provider application that publishes a provider capability and identifies user interface resources available for a feature (Page 2, line 15-20); and
- c. an application interworking framework that provides an interface for the consumer application and the provider application such that the feature interest is matched with the provider capability and the user interface elements are added from the provider application to the consumer application (Page 11, line 3-6).



Claim 18: Mehta discloses the system as in claim 17 above; and further discloses the consumer application interfaces with the application interworking framework using an application programming interface (API) (Page 14, line 18-21).

Claim 19: Mehta discloses the system as in claim 17 above; and further discloses the consumer application obtains user interface elements from other providers (Page 14, line 6-9).

Claim 20: Mehta discloses the system as in claim 17 above; and further discloses the client device is a mobile telephone (Page 11, line 18-21).

Claim 21: Mehta discloses a computer program product comprising:

a. provide a consumer application interest resource for a consumer application specifying at least one user interface element (Page 10, line 20-22).

b. store user interface element corresponding to the consumer application interest resource in a file (Page 20, line 17-19).

c. communicate said user interface element to an application interworking framework (Page 11, line 22-24); and

d. add said user interface element to the consumer user interface (Page 3, line 13-14).

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Claim 22: Mehta discloses the computer program product as in claim 21 above; and further discloses using the class (Page 3, line 24-25). It is inherited that the class must be generated before the class can function.

Claim 23: Mehta discloses the computer program product as in claim 21 above, and further discloses computer code to pass arguments within the application interworking framework (Page 3, line 28-30).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Mehta et al (WO 02/44892 A2) in view of Gudmundson (Wo 00/58855).

Claim 4: Mehta discloses the method as in claim 1 above, but does not explicitly disclose the application interworking framework interfaces the consumer application with the feature provider using dynamic link library (DLL) function call. Gudmundson discloses the use of dynamic link library (DLL). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to use dynamic link

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library (DLL) to create a dynamic link to provide one or more functions and a program accesses. Therefore, one would have been motivated to use dynamic link library to access function and program dynamically. Also, dynamic link library is a separate file, a programmer can make corrections and improvements only that module without affecting the operation of the calling program.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Naylor (US 6,629,315 B1) discloses method, computer program product, and system for dynamically refreshing software modules within an actively running computer system.

b. Duesterwald et al (US 6,915,513 B2) discloses system and method for dynamically replacing code.

c. Cox et al (US 6,965,928 B1) discloses system and method for remote maintenance of handheld computers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip H. Nguyen whose telephone number is (571) 270-1070. The examiner can normally be reached on Monday - Friday 10:00 AM - 3:00 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.N.

PN

9/5/06

  
James W. Myhre  
Supervisory Patent Examiner